

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JESSE HAGOPIAN, ) NO. 2:15-cv-151055  
Plaintiff, )  
v. ) COMPLAINT FOR DAMAGES  
JANE DOE, THE SEATTLE POLICE )  
DEPARTMENT AND THE CITY OF )  
SEATTLE, KATHLEEN O'TOOLE )  
Defendants. )

## T. NATURE OF ACTION

1.1 Introduction. This is a civil rights action brought by Plaintiff pursuant to 42 U.S.C. Sec. 1983 and the Fourth and Fourteenth Amendments against the Defendant police officers and their marital community. This case arises from claims of assault.

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2                   **II. PARTIES**  
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4       2.1   Plaintiff Jesse Hagopian.   Jesse is a resident of King County,  
5                   Washington.  
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7       2.2   Defendants Jane Doe.   Defendants Seattle Police Department  
8                   (SPD) Jane Doe: John Doe whose true name is unknown, are  
9                   husband and wife and comprise a marital community under the  
10                  laws of the State of Washington. At all times relevant, Jane  
11                  Doe was employed as law enforcement by the Seattle Police  
12                  Department and was acting within the course and scope of her  
13                  employment with the City of Seattle and under color of law.  
14                  All of Jane Doe's acts alleged herein were taken by for  
15                  herself, and by and for the benefit for the City of Seattle and  
16                  her marital community.  
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18       2.3   Defendant Seattle Police Department:   Defendant Seattle Police  
19                  Department (SPD) is responsible for training and supervision of  
20                  the officers; it's employees. All the police officers listed  
21                  in this case were employed by the Seattle Police Department at  
22                  all times relevant to this case.  
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24       2.4   Defendant City of Seattle.   Defendant City of Seattle (City)  
25                  is responsible for the actions and activities of employees of  
26                  the Seattle Police Department when SPD employees are acting  
27                  within the course and scope of their employment.  
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29       2.5   Defendant Kathleen O'toole.   Defendant Kathleen O'toole is the  
30                  current Seattle Police Chief. Chief O'toole was at all times  
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1 relevant to this case responsible for the training and  
2 supervision of Seattle Police Officers.

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5 **III. JURISDICTION AND VENUE**

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7 3.1 Jurisdiction. Jurisdiction in this Court based on the  
8 existence of a federal question pursuant to 28 U.S.C. Section §  
9 1331 and 1343, in that Plaintiff assert claims for deprivation  
10 of civil rights under 42 U.S.C. § 1983 for violation of the  
11 Fourth Amendments to the United States Constitution.

12 3.2 Venue. Venue for this action is appropriate in this Court  
13 because the events giving rise to the claims asserted herein  
14 occurred in the Seattle Division of this district and because  
15 the plaintiff and defendants reside in this district.

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17 **IV. FACTS**

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19 4.1 On January 19, 2015, Jesse Hagopian was a participant in  
20 Seattle's annual MLK Jr. Day March.

21 4.2 In addition to marching with several hundred MLK Day Jr. March  
22 participants, Mr. Hagopian was a featured Speaker at the MLK  
23 Day event. Mr. Hagopian is a well known local civil and human  
24 rights activist.

1 4.3 After giving his speech, Mr. Hagopian was walking down the  
2 street while talking to his mother on the phone. The primary  
3 topic of their conversation was related to where he would be  
4 meeting his mother so that she could drive him to his two year  
5 old son's birthday party.

6 4.3 While on a Seattle sidewalk, a Seattle Police Officer Sprayed  
7 him in the face with Pepper Spray.

8 4.4 Mr. Hagopian instantly felt an intense burning sensation in his  
9 eyes and had significant difficulty breathing. This caused  
10 immediate anxiety and stress to Mr. Hagopian.

11 4.4 Mr. Hagopian spent the rest of the day treating his injuries.

12 4.5 As a direct result of being pepper sprayed, Mr. Hagopians eyes  
13 were burning and he continued to have difficulty breathing  
14 throughout his child's birthday celebration. Further, Mr.  
15 Hagopian's red, watery and swollen eyes coupled with his  
16 breathing difficulties scared Mr. Hagopian and his family. Mr.  
17 Hagopian's ability to fully participate in his son's second  
18 birthday was severely impacted by his injuries.

19 4.6 Rather than being able to fully participate in his son's  
20 birthday, Mr. Hagopian had to treat his injuries.

21 4.7 Mr. Hagopian continued to experience the effects of being  
22 pepper sprayed days after the incident.

23 4.8 The injuries that Mr. Hagopian received as a result of this  
24 incident had a significant impact on his physical and  
25 emotional health.

4.9 The incident that give rise to this claim were video and audio recorded.

## **V. CAUSES OF ACTION**

5.1 First Cause of Action. The City of Seattle and Seattle Police Department Officer; Jane Doe, are liable to the plaintiff for the tort of assault.

5.2 Second Cause of Action. The City of Seattle and Officer Jane Doe are liable to the plaintiff for using excessive force against Mr. Hagopian.

5.3 Third Cause of Action. The City of Seattle and Officer Jane Doe are liable to the plaintiff for intentional infliction of emotional distress.

5.4 Fourth Cause of Action. The City of Seattle, and Officer Jane Doe Negligently used pepper spray against Mr. Hagopian.

5.5 Fifth Cause of Action. The City of Seattle is liable to the plaintiff for violation of the plaintiff's civil rights to the extent that the failure to train, supervise and discipline police officers is a policy, practice or custom of the City of Seattle. 42 USC Sec. 1983.

5.6 Sixth Cause of Action. The City of Seattle is liable to the plaintiff for violation of the plaintiff's civil rights to the extent that officers are authorized by the City of Seattle to

1 indiscriminately use pepper spray on protesters and/or  
2 marchers. 42 USC Sec. 1983.

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4 **VI. REQUEST FOR JURY DEMAND**

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7 The plaintiff, Jesse Hagopian, formally demands his right for  
8 his case to be heard by a jury.

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11 WHEREFORE, Plaintiff pray for the following relief:

- 12 1. Damages and punitive damages in an amount to be proven at  
13 trial. Plaintiff seeks punitive damages against all  
14 defendants;
- 15 2. For reasonable attorney's fees and costs; and
- 16 3. For such other and further relief as the Court deems just  
17 and equitable.

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19 Dated this 29<sup>th</sup> day of June 2015,

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21   
22 James Bible, WSBA # 33985  
23 Attorney for Plaintiff